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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,099	09/21/2001	Andreas Wichern	DE 000152	5084

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EXAMINER

BETTENDORF, JUSTIN P

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 09/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/960,099	Applicant(s) WICHERN, ANDREAS
	Examiner Justin P. Bettendorf	Art Unit 2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 September 2001 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.      6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### *Specification*

1. The disclosure is objected to because of the following informalities: The specification should include appropriate headings/subheadings such as --Background of the Invention--, etc. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claims 1, 3, and 7, the terms "preferably" and "particularly" render the claims indefinite because it is unclear whether the limitation(s) following the terms are part of the claimed invention. See MPEP § 2173.05(d).
5. Regarding claim 5, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
- 6.

### *Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in –  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

8. Claims 1-3 and 7-11 rejected under 35 U.S.C. 102(e) as being anticipated by Petrovic

United States Patent No. 6,215,374.

The Petrovic reference discloses in figures 10A, 10B two magnetically coupled resonators 432, 434 comprising inductors L1 (72), L2 (74) and aligned capacitors 76, 78 (see figure 10B). The inductor/capacitor elements are “integrated” on the surface 81 of the substrate shown in figure 10B with thickness 85; therefore, this device may be considered an “integrated circuit” based on the broadest reasonable interpretation of integrated circuit (i.e. with respect to claims 10 and 11). With respect to claim 9, figure 19 shows an embodiment with a third resonator 1900 magnetically coupled to resonators 432, 434.

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi et al. United States Patent No. 5,583,474 in view of Petrovic.

The Mizoguchi et al. reference discloses an inductor/transformer with a high Q for use in integrated circuits as a filter (col. 4, lines 29-68, col. 6, lines 9-24, and col. 50, lines 20-24). Figure 57 shows concentric square coils but does not explicitly show the claimed magnetically coupled resonators.

As noted above, the Petrovic reference discloses in figure 19 three magnetically coupled resonators to form a bandpass filter.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the inductors of Mizoguchi et al. in the filter of Petrovic because, as the Mizoguchi et al. reference is silent on the exact structure of the filter, any art-recognized equivalent filter would have been usable therewith such as the magnetically coupled resonator filter taught by Petrovic. Alternatively, it would have been obvious to have replaced the magnetically coupled inductors of Petrovic with the magnetically coupled inductors of Mizoguchi et al. because such a modification would have been considered a mere substitution of art-recognized equivalent inductor structures. With respect to claim 6, the number of turns used for each inductance would have been based merely on the desired inductance - a result-effective variable; therefore, using a single turn would have been considered a mere optimization involving only routine skill in the art.

### *Conclusion*

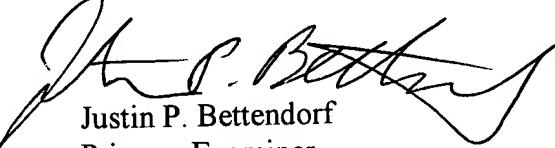
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Singh United States Patent No. 3,769,616 discloses a filter formed by concentric magnetically coupled resonators.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin P. Bettendorf whose telephone number is (703) 308-2780. The examiner can normally be reached on 6:00-3:30 (M-F, 1st Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Pascal can be reached on (703) 308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Justin P. Bettendorf  
Primary Examiner  
Art Unit 2817

jpb  
August 29, 2002